

REMARKS

The Abstract has been amended to reduce its length to 150 words or less.

Claim 1 was rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

By this amendment, claim 1 has been substantially amended and it is believed it is now clear and definite and distinctly points out the invention. Also claims 2, 4-11, 13 and 16-17 were cancelled and claims 1, 3, 12, 14 and 15 were amended.

Claim 1 was rejected under 35 USC 101 as being related to nonstatutory subject matter. As now amended the claim relates to electronically providing a form and the service provider using a form to identify particular event images and then producing the custom image product. All of which relates to process subject matter and is not an abstract idea but does require “structural means in the form of using electronic communication and forwarding the custom image product to the customer”. It is believed that amended claim 1 is now a statutory process and this rejection has been overcome.

Claims 1-3, 10, 11 and 13-16 were rejected under 35 USC 102(b) as being anticipated by Shaffer et al (USP 6396963).

As amended claim 1 is directed to generating a custom image product by a service provider. The customer electronically submits a form to the service provider that identifies the particular event and also submits a customer supplied electronic image related to the event. The service provider then using the form to identify particular event images and produces the custom image product that has the particular event images and the customer supplied electronic image. The service provider forwards the custom image product to the customer. The custom image product can be a physical product or a digital representation. The custom image product is a product that can be used by the customer or others.

Shaffer et al discloses image recognition techniques to produce a photo collage from a plurality of images that are stored in a database. The system automatically constructs the photo collage. In Shaffer et al a collection of images has been previously sent to an image provider. That collection is searched according to a selected parameter and particular images are identified made into a

first cut version of the collage that is sent to the customer. The customer may modify the first cut version. The difference between claim 1 and Shaffer et al is that the analysis is done by the customer by sending a form to the service provider. The service provider also receives a particular image from the customer which is used in making the custom image product. No such arrangement is disclosed or suggested in Shaffer et al. The portions of the Shaffer et al specification cited by the Examiner relate to the user or customer providing his desired output format but the analysis is done by the service provider. Applicants believe that amended claim 1 clearly sets forth the invention and is unobvious.

Claims 4, 5, 9 and 12 were rejected under 35 USC 103(a) as being unpatentable over Shaffer in view of Cipolla et al (USP 6275656)

Claims 4 and 9 have been cancelled. Cipolla et al discloses a machine readable code that has been deleted from claim. In claim 12 the related content is provided with the custom image product. No such arrangement is disclosed or suggested by Cipolla et al.

Claims 6-8 were rejected under 35 USC 103(a) as being unpatentable over Shaffer in view of Johnson et al (US PG Pub 2003/0059586)

Claims 6-8 have been cancelled.

Claim 17 was rejected under 35 USC 103(a) as being unpatentable over Shaffer in view of Gindele et al (USP 6748097).

Claim 17 has also been cancelled.

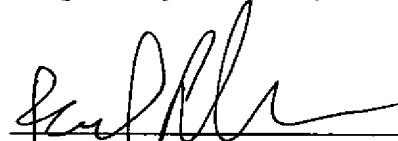
Claim 1 was rejected under 35 USC 101 as being related to nonstatutory subject matter. As now amended the claim relates to electronically providing a form and the service provider using a form to identify particular event images and then producing the custom image product. All of which relates to process subject matter and is not an abstract idea but does require "structural means in the form of using electronic communication and forwarding the custom image product to the customer". It is believed that amended claim 1 is now a statutory process and this rejection has been overcome.

Claim 1 defines unobvious subject matter and the remaining claims all depend on claim 1 and should be allowed along with it.

It is believed that these changes now make the claims clear and definite and, if there are any problems with these changes, Applicants' attorney would appreciate a telephone call.

In view of the foregoing, it is believed none of the references, taken singly or in combination, disclose the claimed invention. Accordingly, this application is believed to be in condition for allowance, the notice of which is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Paul R. L.', written over a horizontal line.

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.